

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 1 be amended to read as follows:

- 1 Page 47, between lines 40 and 41, begin a new paragraph and insert:
2 "SECTION 29. IC 6-1.1-19-2, AS AMENDED BY P.L.178-2002,
3 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. (a) A county board of tax adjustment may
5 not approve or recommend the approval of an excessive tax levy.
6 (b) If a school corporation adopts or advertises an excessive tax
7 levy, the county board of tax adjustment which reviews the school
8 corporation's budget, tax levy, and tax rate shall reduce the excessive
9 tax levy to the maximum normal tax levy.
10 (c) If a county board of tax adjustment approves, or recommends
11 the approval of, an excessive tax levy for a school corporation, the
12 auditor of the county for which the county board is acting shall reduce
13 the excessive tax levy to the maximum normal tax levy. Such a
14 reduction shall be set out in the notice required to be published by the
15 auditor under IC 6-1.1-17-12, and an appeal shall be permitted
16 therefrom as provided under IC 6-1.1-17 as modified by this chapter.
17 (d) Appeals from any action of a county board of tax adjustment or
18 county auditor in respect of a school corporation's budget, tax levy, or
19 tax rate may be taken as provided for by IC 6-1.1-17. Notwithstanding
20 IC 6-1.1-17, a school corporation may appeal to the department of local
21 government finance for emergency financial relief for the ensuing
22 calendar year at any time before:
23 **(1) September 20; or**
24 **(2) in the case of a request described in section 4.7(a) of this**

chapter, December 31;

of the calendar year immediately preceding the ensuing calendar year.

(e) In the appeal petition in which a school corporation seeks emergency financial relief, the appellant school corporation shall allege that, unless it is given the emergency financial relief for which it petitions, it will be unable to carry out, in the ensuing calendar year, the public educational duty committed to it by law, and it shall support that allegation by reasonably detailed statements of fact.

(f) When an appeal petition in which a school corporation petitions for emergency financial relief is filed with the department of local government finance, the department shall include, in the notice of the hearing in respect of the petition that it is required to give under IC 6-1.1-17-16, a statement to the effect that the appellant school corporation is seeking emergency financial relief for the ensuing calendar year. A subsequent action taken by the department of local government finance in respect of such an appeal petition is not invalid, however, or otherwise affected, if the department fails to include such a statement in the hearing notice."

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed December 2, 2003.)

Representative Goodin